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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

DAVID DOMINGUEZ MENDOZA,
individually,

Plaintiff,

v.

CITY OF PEORIA, a municipality, by
and through its Police Department, an
Agency of the City of Peoria; OFFICER
AARON BREWER and JANE DOE
BREWER; husband and wife;
SERGEANT LUIS APONTE and JANE
DOE APONTE; husband and wife,

Defendants.

No. CV-13-00258-PHX-NVW

**MOTION TO CONDUCT MEDICAL
EXAMINATION BY TREATING
PHYSICIAN**

(Assigned to the Honorable Neil Wake)

(Settlement Conference Judge Anderson)

On September 17, 2013, the Court issued an Order referring all discovery issues related to the medical exam of Plaintiff by the treating physician to Judge Anderson for resolution prior to the scheduled close of discovery. Therefore, Plaintiff moves this Court for an Order to conduct a medical examination of Plaintiff David Dominguez Mendoza ("David") at the Sandra Day O'Connor United States Courthouse located at 401 West Washington Street, Phoenix, Arizona 85003 by David's treating physician, Lloyd Champagne, M.D. Dr. Champagne's examination of David is necessary to properly evaluate the current status of David's injury, and opine as to any permanent impairment rating.

Further, Plaintiff respectfully requests an Order directing the Arizona Department of Corrections to transport David Dominguez Mendoza (Inmate #277580) from Arizona State Prison Complex, South Marana, 12610 W. Silverbell Rd., Marana, Arizona 85653, to the Sandra Day O'Connor United States Courthouse located at 401 West Washington Street, Phoenix, Arizona 85003 at the date and time of Dr. Champagne's examination, a date to be determined, and that after said examination, be transported back to ASPC South Marana.

DATED this 17th day of September, 2013.

GOLDMAN & ZWILLINGER PLLC

By: /s/ Scott Zwillinger

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By: /s/ Luis Guerra (w/permission)

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1 **ORIGINAL** E-Filed and a
2 **COPY** delivered via ECF/CM
3 this 17th day of September, 2013, to:

4 Honorable Neil V. Wake
5 Honorable Lawrence O. Anderson
6 United States District Court

7 **COPY** of the foregoing mailed
8 this 17th day of September, 2013, to:

9 Michael Wawro, Esq.,
10 Office of the City Attorney
11 City of Peoria
12 8401 West Monroe Street, Room 280
13 Peoria, Arizona 85345
14 Attorneys for Defendant City of Peoria

15 /s/ Cristie Seaton
16 CMS/00066